

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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GREENHECK FAN CORPORATION,

Plaintiff,

v.

Case No. 08-CV-335

LOREN COOK COMPANY,

Defendant.

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**ORDER**

On September 25, 2008, United States Magistrate Judge Stephen Crocker issued a report and recommendation that this court grant plaintiff Greenheck Fan Corporation's ("Greenheck") motion to strike defendant Loren Cook Company's third and fourth affirmative defenses. After a magistrate judge files his proposed findings and recommendations, a district court judge may accept, reject, or modify the recommendations. 28 U.S.C. § 636(b)(1)(C). The court must make a *de novo* determination of those portions of the recommendations to which an objection is made. *Id.* However, *de novo* review is not required for those portions of a magistrate judge's recommendation to which no party makes particularized objections accompanied by legal authority and argument. See *Banta Corp. v. Hunter Pub. Ltd. Partnership*, 915 F. Supp. 80, 81 (E.D. Wis. 1995). When no objections are filed, the court will adopt a magistrate judge's recommendations if they are not clearly erroneous or contrary to law. *Id.*

Neither the Loren Cook Company nor Greenheck filed a timely objection to Magistrate Crocker's recommendation. After review, the court finds that the recommendation is not clearly erroneous or contrary to law. Therefore, the court need not conduct a *de novo* determination and will adopt the recommendation in its entirety. Thus, the court grants Greenheck's motion to strike affirmative defenses, as recommended by Magistrate Judge Crocker.

Accordingly,

**IT IS ORDERED** that the September 25, 2008 report and recommendation of Magistrate Judge Crocker that the court grant Greenheck's motion to strike (Docket #33) be and the same is hereby **ADOPTED**;

**IT IS FURTHER ORDERED** that plaintiff Greenheck's motion to strike pursuant to Fed. R. Civ. P. 12(f) the third and fourth affirmative defenses of Loren Cook Company (Docket #26) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 29th day of October, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge